



Chege Kamau Advocates v County Government of Bomet (Civil Application E112 of 2024) [2025] KECA 836 (KLR) (15 May 2025) (Ruling)

Neutral citation: [2025] KECA 836 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CIVIL APPLICATION E112 OF 2024
GV ODUNGA, JA
MAY 15, 2025**

BETWEEN

CHEGE KAMAU ADVOCATES APPLICANT

AND

COUNTY GOVERNMENT OF BOMET RESPONDENT

(Being a reference against the taxation ruling of (Hon. Lina Akoth, DR) dated 26th April 2024 in Civil Appeal No. 32 of 2016)

RULING

1. The applicant is aggrieved by the ruling of the Deputy Registrar of this Court, Hon. Lina Akoth, dated 26th April 2024 in Civil Appeal No. 32 of 2016 in respect of the applicant's Bill of Costs dated 9th December 2023.
2. Before me is the Applicant's Notice of Motion dated 3rd December 2024 in which the applicant seeks leave to file an objection and a taxation reference against the ruling delivered on 26th April 2024 and for the deeming of the applicant's application for reference as duly made upon the payment of the requisite fees.
3. In support of the application, the applicant's advocate, Chege Kamau, avers: that on 9th May 2024, he filed a letter of objection dated 29th April 2024 through the CTS and requested reasons for the said ruling, but never received any response even after following up; that the 14-day period after requesting reasons provided for filling the reference lapsed, hence this application; that he has been absent from the office due to his mother's illness, hence the delay in bringing this application; and that if the application is not heard with expediency, the applicant's right to access justice will be prejudiced and the filing and hearing of the reference delayed, and recovery of his dues will be statute-barred.



4. The applicant submits that he complied with Rule 11(2) of the [Advocates Remuneration Regulations](#) (sic) as he filed an objection letter and a letter requesting reasons on 9th May 2024, this being 13 days from the date of the ruling of 26th April 2024; that having complied with rule 11(2), this Court should extend the time of filing the reference without regard to the grant of reasons which are not forthcoming; that section 4 of the [Appellate Jurisdiction Act](#) (sic) grants this Court discretionary power to extend time to do any action under the rules. Reliance is placed on the Supreme Court decision of [Nicholas Kiptoo Arap Korir Salat v Independent Electoral and Boundaries Commission & 7 others](#) [2014] eKLR and [County Government of Samburu & another v Letambul](#) (Civil Appeal (Application) E204 of 2023) [2024] KECA 1000 (KLR) (28 May 2024) by this Court, which enunciated the principles to be followed in an application for extension of time. Further reliance is on [Andrew Kiplagat Chemaringo v Paul Kipkorir Kibet](#) [2018] eKLR, where this Court stated that there is no maximum or minimum period for delay, and that all that is required is a plausible and satisfactory explanation for the delay.
5. The applicant submitted: that this explanation is satisfactory and is beyond the Applicant's control; that he will be greatly prejudiced if the application is not granted, and the prejudice cannot be compensated by costs; that the application is for payment of advocates' fees, which is his livelihood, and therefore, on humanitarian grounds alone, they crave for the court to exercise discretion in his favour; that his appeal (sic) raises an important point of law and therefore an arguable appeal.
6. In opposition, the respondent has filed Grounds of Opposition dated 3rd February 2025 stating that:
 1. The application is fundamentally defective, bad in law, and an abuse of the court process
 2. The Hon. Taxing Master exercised her discretion within the established principles of law.
7. No submissions were filed by the respondent.
8. I have considered the application. Taxation of costs ordered by this Court is guided by Part V of the [Rules](#) and the relevant rule is rule 117 which provides that:
 1. A person who is dissatisfied with a decision of the Registrar in his or her capacity as taxing officer may require any matter of law or principle to be referred to a judge for the judge's decision and the judge shall determine the matter as the justice of the case may require.
 2. For the purpose of sub rule (1), any decision extending or refusing to extend time for the lodging of a bill of costs or any exercise by the Registrar of the overriding discretion given the Registrar by paragraph 12 of the Third Schedule shall be deemed to involve a matter of principle.
 3. A person who contends that a bill of costs as taxed is, in all the circumstances, manifestly excessive or manifestly inadequate, may require the bill to be referred to a judge and the judge shall have power to make such deduction or addition as will render the bill reasonable and except as provided in this sub-rule, there shall be no reference on a question of quantum only.
 4. An application for a reference may be made to the Registrar informally at the time of taxation or in writing within seven days thereafter.
 5. A reference to a judge may be adjourned for the consideration of the Court.



6. Any person dissatisfied by the decision of a judge given under sub-rule (1) or sub-rule (3) may apply to the Court to vary, discharge or reverse the same and such application, may be made either informally to the judge at the time of the decision or by writing to the Registrar within seven days after the time.
9. Unlike under the [Advocates Remuneration Order](#) which the applicant seems to be referring to, under the Court of Appeal Rules there is no requirement for reasons and for chamber summons application to be filed.
10. The applicant contends that he objected to the taxation within time. If that position is correct then this application is unnecessary.
11. It is dismissed but with no order as to costs.
12. It is so ordered.

DATED AND DELIVERED AT NAKURU THIS 15TH DAY OF MAY, 2025.

G. V. ODUNGA

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. JUDGE OF APPEAL

I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR

